

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2849

Introduced by Assembly Member Evans

February 22, 2008

An act to ~~amend Section 29004 of~~ *add Sections 29312 and 29313 to* the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2849, as amended, Evans. Bees.

Existing law, the Apiary Protection Act, generally regulates bee management and beekeepers *and provides various enforcement and penalty provisions for violating the act.*

This bill would provide that any person who is not the owner or does not have the right of possession of bees and removes or is found removing those bees from the property upon which the bees are located is guilty of grand theft. By creating a new crime, this bill would impose a state-mandated local program.

This bill would provide for the damages that are recoverable by a plaintiff in a civil action for the wrongful taking, possessing, harboring, or transporting of bees, for the wrongful removal of bees from their beehive, or for the wrongful killing or destroying of bees.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law defines “bees” for purposes of the Apiary Protection Act.~~

~~This bill would make technical, nonsubstantive changes to that definition.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The Legislature finds and declares all of the*
2 *following:*

3 (1) *California has the largest beekeeping industry of any state*
4 *in the United States. Nearly 500,000 colonies of bees are operated*
5 *by 400 commercial and semicommercial beekeepers.*

6 (2) *Commercial beekeepers move their hives at least six times*
7 *each year to pollinate crops or to place them near natural food*
8 *sources for bees. Most of the hives of bees in California are rented*
9 *one or more times a year for pollination of agricultural crops.*

10 (3) *Nearly three-fourths of the country’s documented*
11 *commercial honeybee crop pollination is conducted in California.*

12 (4) *Drastic reductions in populations of native insect pollinators*
13 *have created a great need for honeybee pollination to ensure*
14 *reseeding and perpetuation of wild plants. These plants serve as*
15 *sources of fruits, nuts, and vegetation for consumption by various*
16 *birds and mammals.*

17 (5) *California is a national leader in the production of honey,*
18 *with total yields averaging 20,000,000 pounds each year. An*
19 *average of 400,000 pounds of beeswax is produced as well.*

20 (6) *In recent months, there has been a significant reduction in*
21 *honeybee population due to Colony Collapse Disorder and other*
22 *problems such as poor nutrition due to lack of available “bee*
23 *pasture,” that is, pollen and nectar producing flowers. This has*
24 *created a serious threat to our food supply, and this crisis threatens*
25 *to wipe out production of crops dependent on bees for pollination.*

26 (b) *It is therefore the intent of the Legislature to create additional*
27 *civil and criminal penalties for unlawfully taking, possessing,*
28 *harboring, transporting, destroying, or vandalizing bees.*

29 SEC. 2. *Section 29312 is added to the Food and Agricultural*
30 *Code, to read:*

1 29312. Any person who is not the owner or does not have the
2 right of possession of bees and removes or is found removing those
3 bees from the property upon which the bees are located is guilty
4 of grand theft.

5 SEC. 3. Section 29313 is added to the Food and Agricultural
6 Code, to read:

7 29313. Notwithstanding any other provision of law, in any civil
8 action for the wrongful taking, possessing, harboring, or
9 transporting of bees, for the wrongful removal of bees from their
10 beehive, or for the killing or destroying of bees without the consent
11 of the owner or the person lawfully in possession of those bees,
12 the damage caused to the plaintiff shall be five times the value of
13 the bees at the time of the taking, possessing, harboring,
14 transporting, destroying, or vandalizing the bees, with interest
15 from that time, plus an amount in fair compensation for the time
16 and money properly expended by the plaintiff in recovering or
17 replacing the bees.

18 SEC. 4. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

27 ~~SECTION 1. Section 29004 of the Food and Agricultural Code~~
28 ~~is amended to read:~~

29 ~~29004. "Bees" means honey-producing insects of the genus~~
30 ~~Apis, and it includes all life stages of these insects.~~